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ORIGINAL OPEN MEETING AGENDA ITEM

BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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IN THE MATTER OF QWEST  
CORPORATION'S COMPLIANCE WITH  
SECTION 252(e) OF THE  
TELECOMMUNICATIONS ACT OF 1996.

Docket No. T-00000A-97-0238

#### RUCO'S SUPPLEMENTAL COMMENTS

The Residential Utility Consumer Office ("RUCO") respectfully submits the following comments in response to Staff's Supplemental Final Report ("Report") on Track A and whether Qwest's Section 271 application is in the public interest. RUCO urges the Commission to not consider the Public Interest aspect of the 271 proceeding until the 252 and 271 sub-docket issues are resolved. If nothing else, the proceedings in the 252 docket have shown that the 252 and 271 sub-docket issues are intertwined with the public interest. The record is clear that Qwest engaged in egregious and anti-competitive conduct in Arizona. Qwest's past conduct is the only indicator that this Commission has to gauge its future conduct. Qwest's conduct in the free market is at the heart of what the public interest analysis is all about.

Now, Staff has determined that 271 approval is in the public interest, and is suggesting that the Commission proceed to consider the public interest element prior to the resolution of 252 and the 271 sub-docket. Such a course of action by this Commission

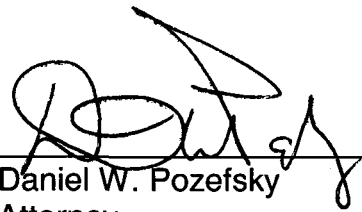
1 would be pre-mature and reckless. This Commission should get past the 252 and 271  
2 sub-docket issues before it considers approving Qwest's 271 application.

3 Staff claims that the "Global Settlement" ("Settlement") reached between Staff and  
4 Qwest addresses all major outstanding enforcement issues and provides assurances that  
5 Qwest will not engage in the conduct that was the subject of the litigation in the future."  
6 Report at par. 53, pp. 11-12. Concurrent with this filing, RUCO is filing its testimony on the  
7 Settlement. RUCO's testimony considers the Settlement at length, and in particular the  
8 adequacy of the assurances provided by the Settlement. In short, RUCO concludes that  
9 the Settlement does not provide adequate assurances, and makes recommendations  
10 which RUCO believes will provide more adequate assurances of future compliance.

11 The Commission will hear all the party's issues with the Settlement at the hearing  
12 scheduled for September 15, 2003. At some point after that the Commission will decide at  
13 its open meeting how it's going to deal with Qwest's past egregious conduct. It is  
14 imperative to RUCO as well as the other parties in the 271 process to know how the  
15 Commission decides that issue before they can make a recommendation to this  
16 Commission if approval of Qwest's 271 application is in the public interest.

17 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of August, 2003.

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2 of the foregoing filed this 29<sup>th</sup> day  
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